	Application No.	Applicant(s)
Notice of Allowability	10/039,425	MARSHALL ET AL.
	Examiner	Art Unit	
	Carlos Ortiz-Rodriguez	2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *11/27/07*.

2. ☒ The allowed claim(s) is/are *1-3,5,7-13,17-23 and 27-30 renumbered 1-22*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). .

    a) ☐ All   b) ☐ Some*   c) ☐ None   of the:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the

           International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

        1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of

        Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☒ Interview Summary (PTO-413), Paper No./Mail Date *20071210* .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____.

DETAILED ACTION

Examiner's Amendment

1.   An examiner's amendment to the record appears below. Should the changes

and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be

submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview

with Michael Tieff on 12/10/07.

2.   Independent claims 1, 9, 11, 19, 21 and 29 are amended, to completely claim the

method by continuing to run the animation sequence using the adjusted modified node

graph including the modified node path. The claims are amended as follows:

Claim 1. (Currently Amended) A method of determining a node path through a

node graph, comprising: modifying the node graph in accordance with a metric;

and performing a path finding process through the modified node graph to

determine the node path [[.]] ;_running an animation sequence that includes the

modified node graph; detecting a change in performance of a platform running

the animation sequence; adjusting the modified node graph in accordance with

the change in performance; [[and]] if a specific node of the modified node graph

is removed during adjusting: re-locating the specific node on the modified node

graph; and performing the path finding process using the re-located specific

node to determine a modified node path ; and continuing to run the animation

sequence using the adjusted modified node graph including the modified node

path .

Claim 9. (Currently Amended) A method of determining a node path through a

node graph, comprising: modifying the node graph in accordance with a

predetermined platform performance; performing a path finding process through

the modified node graph to obtain the node path; running an animation sequence

that includes the modified node graph; determining if the platform performance

has changed in response to running the animation sequence; adjusting the

modified node graph to compensate for a change in the platform performance;

and re-performing the path finding process through the adjusted modified node

graph to obtain [[the]] a modified node path[[.]] ; and continuing to run the

animation sequence using the adjusted modified node graph including the

modified node path .

Claim 11. (Currently Amended) An article comprising a machine-readable

medium that stores executable instructions to determine a node path through a

node graph, the instructions causing a machine to: modify the node graph in

accordance with a metric; and perform a path finding process through the

modified node graph to determine the node path [[.]] ;_run an animation sequence that includes the modified node graph; detect a change in performance of a platform running the animation sequence; adjust the modified node graph in accordance with the change in performance of the platform; and if a specific node of the modified node graph is removed during adjusting: re-locate the specific node on the modified node graph; and perform the path finding process using the re-located specific node [[.]] to determine a modified node path ; and continuing to run the animation sequence using the adjusted modified node graph including the modified node path .

Claim19. (Currently Amended) An article comprising a machine-readable medium that stores executable instructions to determine a node path through a node graph, the instructions causing a machine to modify the node graph in accordance with a predetermined platform performance; perform a path finding process through the modified node graph to obtain the node path; run an animation sequence that includes the modified node graph; determine if the platform performance has changed in response to running the animation sequence; adjust the modified node graph to compensate for a change in the platform performance; and re-perform the path finding process through the adjusted modified node graph to obtain [[the]] a modified node path[[.]] ; and continuing to run the animation sequence using the adjusted modified node graph including the modified node path .

Claim 21. (Currently Amended) An apparatus for determining a node path through a node graph, comprising: a memory that stores executable instructions; and a processor that executes the instructions to: modify the node graph in accordance with a metric; and perform a path finding process through the modified node graph to determine the node path [[.]] ⸝ run an animation sequence that includes the modified node graph; detect a change in performance in response to running the animation sequence; adjust the modified node graph in accordance with the change in performance; and if a specific node of the node graph is removed during adjusting: re-locate the specific node on the modified node graph; and perform the path finding process using the re-located specific node [[.]] to determine a modified node path ; and continuing to run the animation sequence using the adjusted modified node graph including the modified node path .

Claim 29. (Currently Amended) An apparatus for determining a node path through a node graph, comprising: a memory that stores executable instructions; and a processor that executes the instructions to: modify the node graph in accordance with a predetermined platform performance; perform a path finding process through the modified node graph to obtain the node path; run an animation sequence that includes the modified node graph; determine if the platform performance has changed in response to running the animation sequence; adjust the modified node graph to compensate for a change in the

platform performance; and re-perform the path finding process through the

adjusted modified node graph to obtain [[the]] a modified node path [[.]] ; and

continuing to run the animation sequence using the adjusted modified node

graph including the modified node path .

Reasons for Allowance

3.   Claims 1-3, 5, 7-13, 17-23 and 27-30, renumbered 1-22, are allowed.

4.   The following is an examiner's statement of reasons for allowance. Claims 1-3,

5, 7-13, 17-23 and 27-30 are considered allowable since when reading the claims in

light of the specifications, the prior fails to teach or suggest the combination of

limitations specified in the independent claim.

Specifically, applicant's claimed invention is deemed allowable over the prior art,

as the prior art fails to teach or suggest performing the path finding process using the

re-located specific node to determine a modified node path; and continuing to run the

animation sequence using the adjusted modified node graph including the modified

node path.

All independent claims describe similar subject matter and are allowable for the

same reason.

Conclusion

5.   Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompanying the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Ortiz-Rodriguez whose telephone number is 571-272-3766.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571-272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
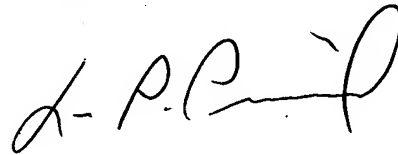
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Carlos Ortiz-Rodriguez
Patent Examiner
Art Unit 2125

December 26, 2007

LEO PICARD
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